

**Comment Letter AS007**

AS007



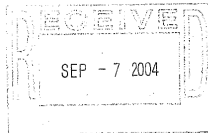
Terry Tamminen  
Agency Secretary

**California Environmental Protection Agency**

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control  
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment  
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger  
Governor



August 30, 2004

California High-Speed Train  
Draft Program EIR/EIS Comments  
925 L Street, Suite 1425  
Sacramento, California 95814

Re: Draft Program EIR/EIS Comments

To Whom It May Concern:

Enclosed, please find the California Environmental Protection Agency's comments on the Draft Program EIR/EIS and the potential impacts of a statewide high-speed train system.

If you have any questions, please contact me.

Sincerely,

*Maureen Gorsen*  
Maureen Gorsen  
Deputy Secretary for Law Enforcement and General Counsel  
Office of the Secretary

Enclosures (2)



Terry Tamminen  
Secretary for  
Environmental  
Protection

**California Integrated Waste Management Board**

Linda Moulton-Patterson, Chair  
1001 I Street • Sacramento, California 95814 • (916) 341-6000  
Mailing Address: P. O. Box 4025, Sacramento, CA 95812-4025  
[www.ciwmb.ca.gov](http://www.ciwmb.ca.gov)



Arnold Schwarzenegger  
Governor

August 30, 2004

Mr. Dan Leavitt  
California High Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, California 95814

RE: California High Speed Rail Authority – Draft EIR/EIS

Dear Mr. Leavitt:

Thank you for the opportunity to comment on the Draft EIR/EIS for the California High Speed Rail Authority Train System. On behalf of the Legal Office Staff of the California Integrated Waste Management Board (CIWMB), I offer brief comments below. Based on the jurisdiction of the CIWMB, my comments are limited to issues involving non-hazardous waste disposal.

Recognizing that this is a "program" EIR/EIS, it does not adequately plan to address the project impacts on solid waste disposal sites or on solid waste generation and disposal from construction, operation and maintenance of such a project. It only prepares the reader to understand the program analysis, by stating that drafters will know about solid waste disposal sites by consulting the database of such sites as maintained by the Integrated Waste Management Board. The program EIR/EIS does not yet contemplate the need to address diversion, recycling or disposal of solid waste during the construction or operation phases of the project, much less specifically analyze such needs. The program EIR/EIS is more concerned with the potential to address disturbing existing hazardous waste disposal sites or contaminated land on which the project maybe built.

The program EIR/EIS needs, at least, to address the potential for generation of solid waste, and propose to address it specifically before the project phase. This part of a program analysis should conceptually propose the need to deal with demolition and construction debris, its diversion from landfilling, recovery of materials and, then, disposal of the remainder. Furthermore, the program EIR/EIS needs to demonstrate an understanding of the need to analyze the impacts of solid waste generation from trains and station operation during the operational phase.

I am available if you have questions about this letter. Please contact me at (email) [rconheim@ciwmb.ca.gov](mailto:rconheim@ciwmb.ca.gov), or (phone) (916) 341-6076.

Sincerely,

*Robert Conheim*  
Robert Conheim  
Senior Staff Counsel

California Environmental Protection Agency

Printed on Recycled Paper

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web site at <http://www.ciwmb.ca.gov/>

AS007-1

## Comment Letter AS007 Continued



Terry Tamminen  
Agency Secretary  
Cal/EPA



## Department of Toxic Substances Control

1001 "I" Street, 25<sup>th</sup> Floor  
P.O. Box 806  
Sacramento, California 95812-0806



Arnold Schwarzenegger  
Governor

August 25, 2004

Dan Leavitt  
California High Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, California 95814

Dear Mr. Leavitt:

Thank you for the opportunity to comment on the draft Program Environmental Impact Report/Environmental Impact Statement (EIR/EIS) for the proposed California High Speed Train System (SCH No. 2001042045). As you are aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites, pursuant to the California Health and Safety Code, Division 20, Chapter 6.8, where hazardous substances have been released. As a potential Responsible Agency under the California Environmental Quality Act (CEQA), DTSC is submitting comments to ensure that the environmental documentation prepared for this project adequately addresses the potential environmental impacts associated with any remediation activities, which may be required to address hazardous substances release(s) within the proposed project area.

We note that the draft EIR/EIS analyzes a proposed high speed train (HST) system and compares it with a No Project/No Action Alternative (No Project) and a Modal Alternative (potential improvements to the highways and airports serving the same intercity travel demand and the HST Alternative). The EIR/EIS Summary indicates that after public comments are considered, the California High Speed Rail Authority (Authority) may select a preferred HST corridor/alignment, general station locations, and recommended mitigation strategies, and may recommend further measures to consider in more detail at the project level to avoid and minimize potential adverse environmental impacts. Should the HST system be approved, subsequent phases of project development would include project specific environmental analysis for a segment or segments and station locations of the proposed HST system.

Section 3.11 of the EIR/EIS provides a good discussion of the regulatory requirements for hazardous substances and the criteria to be used to identify study areas for the presence of hazardous waste and materials. The EIR/EIS discusses the need to check the proposed route(s) against all environmental databases to evaluate the potential for

Mr. Dan Leavitt  
August 25, 2004  
Page 2

contaminated sites and the need to remediate the sites. The EIR/EIS also discusses, in very general terms, the potential impacts from hazardous substance releases on the construction, operation and maintenance of the proposed alternatives. Section 3.11.5 indicates that further analysis and specific mitigation will be included in subsequent project-level analysis and identifies tasks that will be performed during the project-level environmental review.

DTSC agrees with the discussion/analysis provided in the Program EIR/EIS. Once the preferred route is identified, the route should be the subject of an environmental database search. Site assessments should be conducted prior to construction to determine if any hazardous substances are present. For example, former agricultural land may contain pesticide residues, while land adjacent to existing roadways may contain lead that was aerially deposited from automobile exhaust. Depending on the results of the assessment, soil and/or groundwater sampling may be necessary to determine whether a site will need to be addressed at the project-specific level.

Issues to consider during future project-specific level analyses include, but are not limited to, the following:

- an assessment of air impacts and health impacts associated with excavation activities;
- identification of any applicable local standards which may be exceeded by excavation activities, including dust levels and noise levels;
- transportation impacts from the removal or remedial activities; and
- the risk of upset should an accident occur at the site or in transit to disposal.

As a potential Responsible Agency, DTSC will continue to monitor the progress of the proposed High Speed Train System. Please contact me at (916) 322-8955 if you have any questions or would like to schedule a meeting to discuss our comments further.

Sincerely,

Gyenther W. Moskat, Chief  
Planning and Environmental Analysis Section

cc: See next page

AS007-2  
cont.

♻️ Printed on Recycled Paper

---

**Comment Letter AS007 Continued**

---

Mr. Dan Leavitt  
August 25, 2004  
Page 3

cc: Ms. Maureen F. Gorsen  
Deputy Secretary for Law Enforcement  
and Counsel  
California Environmental Protection Agency  
1001 I Street, 25<sup>th</sup> floor  
Sacramento, California 95814

Ms. Carol Northrup  
Assistant Director  
Department of Toxic Substances Control  
1001 I Street, 25<sup>th</sup> floor  
PO Box 806  
Sacramento, California 95812-0806

Mr. James McRitchie, Chief  
Office of Environmental Analysis, Regulations and Audits  
Department of Toxic Substances Control  
1001 I Street, 22<sup>nd</sup> floor  
PO Box 806  
Sacramento, California 95812-0806

---

**Response to Comments of Maureen Gorsen, Deputy Secretary for Law Enforcement and General Counsel, California Environmental Protection Agency, August 30, 2004 (Letter AS007)**

---

**AS007-1**

The generation of solid waste materials (construction and operationally related) will be addressed in subsequent project level environmental review. It is appropriate to consider the potential impacts when accurate quantities can be determined at the project level of analysis. The methods of construction including excavation and disposal/use of excavated materials are discussed in Section 3.18 of the Final Program EIR/EIS.

**AS007-2**

Acknowledged.

**Comment Letter AS008****AS008**

CAPITOL OFFICE  
STATE CAPITOL  
ROOM 5086  
SACRAMENTO, CA 95814-4900  
(916) 445-2407  
FAX (916) 323-2304

DISTRICT OFFICES  
31 EAST CHANNEL STREET  
ROOM 440  
STOCKTON, CA 95202  
(209) 948-7930  
FAX (209) 948-7993

1020 N STREET, ROOM 506  
SACRAMENTO, CA 95814  
(916) 323-4306  
FAX (916) 323-2596

**California State Senate**

**MICHAEL J. MACHADO**  
SENATOR, FIFTH DISTRICT



SEP - 7 2004

COMMITTEES  
AGRICULTURE AND WATER  
RESOURCES  
CHAIR  
APPROPRIATIONS  
BUSINESS AND PROFESSIONS  
GOVERNMENTAL ORGANIZATION  
LOCAL GOVERNMENT  
SELECT COMMITTEES  
AIR QUALITY IN THE CENTRAL  
VALLEY  
CALIFORNIA CORRECTIONAL  
SYSTEM  
CAPITOL AREA  
FLOOD PROTECTION  
CENTRAL VALLEY ECONOMIC  
DEVELOPMENT  
DELTA RESOURCES AND  
DEVELOPMENT  
CHAIR  
URBAN ECONOMIC DEVELOPMENT

August 30, 2004

Joseph E. Patrillo, Chair  
California High Speed Rail Commission  
925 L Street Suite 1425  
Sacramento, CA 95814

Dear Mr. Patrillo:

I am writing to request inclusion of the Altamont Pass Alternative as a route for California High Speed Rail.

The Altamont Pass Alternative would enable my constituents to travel to and from work faster, benefiting the environment and improving the quality of life in the Central Valley. Currently, many Central Valley resident undertake lengthy commutes to job centers in the Bay Area. Given traffic backups, and ridership levels along the Capitol Corridor and Altamont Commuter Express trains, the Altamont Pass Alternative provides the demand needed to help offset the capital costs of investing in High Speed Rail.

Thank you for your attention to this request. Please feel free to contact me at (916) 445-2407 if I can be of any further assistance.

Sincerely,

MICHAEL J. MACHADO  
Senator, Fifth District

MJM:cg

AS008-1

---

**Response to Comments of Michael J. Machado, Senator, Fifth District, California State Senate, August 30, 2004  
(Letter AS008)**

---

**AS008-1**

Acknowledged. Please see standard response 2.18.1.

**Comment Letter AS009****AS009**

State of California  
DEPARTMENT OF TRANSPORTATION  
**Memorandum**

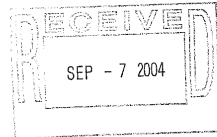
Business, Transportation and Housing Agency

*Flex your power!  
Be energy efficient!*

To: MEHDI MORSHED  
Executive Director  
California High-Speed Rail Authority  
925 L Street, Suite 1425  
Sacramento, CA 95814

Date: August 31, 2004

From: WARREN WEBER  
Chief  
Division of Rail



Subject: Draft Program Environmental Impact Report/Environmental Impact Statement  
(PEIR/EIS) for the Proposed California High-Speed Train System

Attached are comments from the California Department of Transportation (Department) regarding the PEIR/EIS for the Proposed California High-Speed Train System. We would like to thank you for the opportunity to review this document and look forward to working closely with the California High-Speed Rail Authority to implement proposed projects.

If you have any questions about the attached comments, please contact Patrick Merrill, of my staff, in the Department's Division of Rail at (916) 654-7543.

Attachment

c: Dan Leavitt  
California High-Speed Rail Authority

Comments from the Department of Transportation  
Draft Program Environmental Impact Report/Environmental Impact Statement  
for the *Proposed* California High-Speed Train System  
(SCH#2001042045)

Division of Rail, Capital Projects South

1. Page S-4, third paragraph states, "...the projected travel time by High-Speed Train (HST)...between Los Angeles and San Diego would be just over one hour." We believe this could not occur on shared tracks along the LOSSAN Corridor. AS009-1
2. Page S-4, last paragraph states, "...small portions of the route on shared track with other passenger rail operations." We do not concur that sharing tracks from Los Angeles to San Diego is a small portion. AS009-2
3. Page S-8, second paragraph states, "...the HST Alternative is forecasted to result in denser development..." The presence of HST alone may not promote density increases. There are a number of other factors that should be in place, such as, an integrated transit system design, community partnerships, and the availability of incentives. AS009-3
4. Page S-15, second paragraph states, "The HST Alternative would provide a completely separate transportation system..." This may not be possible, if tracks are shared along the LOSSAN Corridor. AS009-4
5. Page S-15, fifth paragraph states, "While there would be a potential noise increase due to additional HST services, existing train noise would be reduced in areas with existing grade crossing because horn and crossing gate noise due to grade separation would be eliminated." Since the proposal is to build the HST in/adjacent to existing right-of-way, does this mean grade separations will be built at existing at-grade crossings along the HST system? AS009-5
6. Page S-16 - Is there enough room to place the HST infrastructure completely within the existing rail rights-of-way? AS009-6
7. Page 2-18 - Generally, mode split highway trips/rail would not be 50%. AS009-7
8. Page 3.1-23 - In discussing the HST option between Los Angeles and Fullerton, a four track system is arrayed where two dedicated tracks will be for passenger service and two for freight. The complications of moving freight to the many customers in the corridor would make this option difficult to implement. AS009-8
9. Page 3.2-19 - We recommend including an additional consideration for safety and external security enhancements in concert with newly instituted Federal efforts. Given the recent terrorist events, mode safety will continue to be a factor weighed in choice. AS009-9

Page 1 of 12

*"Caltrans improves mobility across California"*

## Comment Letter AS009 Continued

10. Page 3.2-22 - The first bullet under "Environment" states "...fully fenced and grade-separated (including grade crossings)..." The track cannot be fully fenced as it would mean keeping customers out of stations and obstructing rail yards. Additionally, does this mean that there will be no track at-grade anywhere at all along the proposed HST system?	AS009-10	17. Page 3.11-5 - Contained in Table 3.11.3-1, there is an * which states, "Totals presented do not include the identified LOSSAN sites because this segment is not a part of the HST Alternative defined for the representative demand." We are unclear what this means.	AS009-17
11. Page 3.7-11 - The second paragraph in Section B states "...Along some of the potential alignments in all regions except the LOSSAN corridor, there would be potential for localized impacts on community cohesion..." Whenever additional tracking is being considered, the potential for localized impacts on community cohesion exist, even along the LOSSAN corridor, and should be studied as part of the project-level analysis.	AS009-11	18. Page 3.15-29 - The first sentence in the HST Alternative section states, "Both the HST alignment options and the conventional improvements would be located within existing rights-of-way..." However, the first sentence of Page 3.7-24 states, "The second alignment option traveling south out of LAUS would connect LAUS to Irvine and would be located adjacent to the existing LOSSAN corridor." There appears to be a conflict as to where the alignments will be located.	AS009-18
12. Page 3.7-12 - The last sentence of the second paragraph states, "Also, in several of the rail corridors under consideration, rail activity could be expanded within the existing right-of-way and would not require additional right-of-way." This expansion of rail activity within the existing right-of-way would be difficult in numerous segments along the LOSSAN corridor. Due to very constrained rights-of-way, it is not reasonable to assume that a project of this magnitude could avoid right-of-way procurement.	AS009-12	19. Page 3.15-30 - Two options are described for Dana Point/San Clemente. However, Page 3.9-19 describes a third option, the long single tunnel (no station). Will the CHSRA carry two or three options forward for Dana Point/San Clemente?	AS009-19
13. Page 3.7-24 - The first sentence of the page states, "The second alignment option traveling south out of Los Angeles Union Station (LAUS) would connect LAUS to Irvine and would be located adjacent to the existing LOSSAN corridor." What is meant by "adjacent"? Is this something different than being located in the same right-of-way as the LOSSAN corridor?	AS009-13	20. Page 4-6 - Section F describes the HST projected annual operation and maintenance costs. Costs for purchase of the fleet, depreciation and interest, propulsion fuel and labor (for both fleet maintenance and the day-to-day operations) have not been included. We recommend all costs associated with operations and maintenance be included in this section.	AS009-20
14. Page 3.7-25 - The first sentence of the page states, "Under the HST Alternative, no new physical barrier to neighborhood interaction would be created." The HST Alternative has 2 subcomponents, a high-end and a low-end. The low-end may exacerbate an existing physical barrier to neighborhood interaction, especially in coastal communities, as well as those in urban neighborhoods whose community is integrated into the existing corridor on both sides of the track.	AS009-14	<u>Division of Rail, Capital Projects North</u> 21. Page 1-8 (Table 1.2-3) footnote "d" fails to mention that travel time from Burbank (Airport) to San Jose downtown is at least ½-hour less on the <i>Pacific Surfliner</i> than the <i>San Joaquin</i> . This alternative only requires one bus connection: Santa Barbara-San Jose.	AS009-21
15. Page 3.7-25 - Contained within the Property Section, the proposed HST Alternative is described as having a high potential for property impact. The following Section, Environmental Justice, describes the HST Alternative has having low potential. During the study of the Commerce to Fullerton Triple Track Project, the California Department of Transportation (the Department) learned that many of the properties that would be impacted are also predominately socio-economically challenged populations. We believe that the HST Alternative would have a high potential for environmental justice impact in these areas.	AS009-15	22. Page 1-10 (Section E. Safety) third paragraph refers to a "Coast Corridor (Oakland to Los Angeles)" intercity rail service. While the interstate Amtrak <i>Coast Starlight</i> serves this segment, it is not state-supported now.	AS009-22
16. Page 3.9-19 - It was our understanding that the long single tunnel (no station) option was eliminated as part of the California High-Speed Rail Authority (CHSRA) screening process.	AS009-16	23. Page 1-10 (Section F. Modal Connections) - This statement is incorrect: "...other airports remain entirely unconnected to the local and regional transit systems." Bob Hope's (Burbank) Airport receives direct service from the Amtrak <i>Pacific Surfliners</i> and <i>San Joaquin</i> Thruway bus. Metrolink shares a regional rail station here, too.	AS009-23
		24. Page 2-1 (Section 2.1.1 Modal Alternative) - Why "existing conventional passenger rail was not included in this alternative" is unclear. In the Central Valley, continued improvements to the <i>San Joaquins</i> could "meet the same intercity demand that would be served by the proposed HST system" as an affordable alternative. Furthermore, this EIR/EIS makes few references to intercity travel demand served via Greyhound and other private motorcoach operators. If their markets represent an insignificant share of proposed HST ridership, then some discussion should clarify these differences. Such an explanation would balance the extensive review of aviation in the rest of this chapter.	AS009-24
		25. Page 2-12 (Section 2.4.2 Aviation Element) - Stockton Metro Airport (SCK) no longer provides commercial passenger service at this time. Also, not all of the airports listed are	AS009-25



## Comment Letter AS009 Continued

illustrated in Figure 2.4-1 (i.e., Long Beach). This map (which repeats with the same mistakes throughout the study) incorrectly shows intercity rail from Gilroy to San Jose and Los Angeles to Riverside and San Bernardino (shown in the wrong spot). In the north, intercity rail goes to Auburn, not Placerville.	AS009-25 cont.	32. The proposed HST could have a major impact to the State highway system where the tracks will be located in the Department's right-of-way, and particularly where the train would cross or directly impact a state highway.	AS009-32
26. Page 3.4-1 (footnote) "This separation <b>reduces</b> the need for trains to blow horns at grade crossings and eliminates the need for warning bells." Don't grade separations eliminate both the bells and horn blowing?	AS009-26	33. Potential impacts to the operation of any State highway or highway interchange due to the construction, maintenance, and operation of the HST system must be assessed during the project specific analysis. A traffic impact study (TIS) or multiple studies should be prepared to assess these impacts.	AS009-33
27. Comments on right-of-way and compatible land use - Current local land use development near this rail corridor appears to only consider a 20 year Regional Transit visioning plan for a future light rail extension in their EIRs and negative declaration documents. What's important and a negative consequence of this "lack of full visioning to include electric higher speed intercity rail options" are the possible corridor right-of-way setback variations that might be needed and left unaddressed in environmental assessments. Would the "setback widths" restricting local land use development against corridor encroachment be the same for a future high speed intercity train project compared with a much slower future light rail project?	AS009-27	34. The Department would need to review and, if appropriate, comment on hydraulic/hydrology impacts and specific hydraulic mitigation measures during the "project specific environmental analysis."	AS009-34
28. In the next 20 years it's a gamble what the Federal Government will fund as far as modern intercity rail improvements. However, some driving forces for "a separate passenger intercity rail corridor of 500 miles or less" in California may be the increased cargo tonnage/year in goods movement needed to sustain a much larger western U.S. regional population and Pacific Rim import/exports. Hauling greater cargo tonnages by air, truck and train (on shared systems becoming more congested with passengers) may have finite limits. Aviation has already "separated out" some of their freight from passenger systems with the emergence of dedicated air cargo bases. But, aviation is probably more expensive than bulk goods transported by freight trains.	AS009-28	<b>District 4</b> 35. The CHSRA should be aware that a "Cooperative Agreement" between the Department and CHSRA for improvements to state highways (HST crossings within the Department's right-of-way), shall be entered into prior to any development activity occurring, such as Project Study Report and PS&E documents. Therefore, the document should be executed early in the project implementation phase.	AS009-35
29. Ongoing preservation activities of long rail corridors with specified setback widths provided for County and City General Plans is a step that is needed as "front-loaded mitigation" from the HST EIR/EIS for local jurisdiction awareness in a rapidly developing State it would seem.	AS009-29	36. Construction by the CHSRA of improvements which lie within state highway rights-of-way or affect state facilities, shall not be commenced until the CHSRA's original contract plans, involving such work and plans for utility relocations, are approved by the Department's District Director of Transportation (or delegated agent), and until the Department authorizes such work with encroachment permits.	AS009-36
30. HSRA might consider collaborating with Caltrans and local agencies on right-of-way preservation efforts now in order to mitigate escalating real estate costs as well as impacts on surrounding communities and new planned residential areas.	AS009-30	37. Regarding mitigation strategies for potential impacts on surface waters, best management practices that should be considered for stormwater are biofiltration swales and detention, infiltration or wet basins- and not "wetlands." The following sentence in Chapter 3, Hydrology and Water Resources, on page 3.14-19, second bullet needs correction: "These may include measures to provide permeable surfaces where feasible and to retain and treat stormwater onsite using catch basins and treatment (filtering) wetlands."	AS009-37
<b>District 3</b> 31. The proposed HST Alternative, Sacramento to Bakersfield (north) will provide good multi-modal connectivity to the Highway 50 Corridor in Sacramento. So as to facilitate a seamless multimodal system, the analysis of the HST station at Power Inn Road should consider locating the HST station with the existing light rail train station and Park and Ride lot at Power Inn Road in partnership with the Sacramento Regional Transit District.	AS009-31	38. For later project-level environmental review, traffic impact studies may be needed to determine potential impact of auto trips to stations located near U.S. 101.	AS009-38
		39. There will be significant construction stage impacts if the alignment encroaches onto the I-880 median between Fremont and San Jose. There is a need for a detailed analysis of potential construction impacts during project level environmental review. If the southern I-880 median alignment is chosen, suggest that lead agency may need to develop a Transportation Mitigation Plan for Departmental review/comment. Traffic studies may also be needed to determine ongoing potential impact of auto trips to stations located near I-880.	AS009-39
		40. For later project level environmental review, traffic studies may be needed to determine potential impact if a station is located in Los Banos near I-5.	AS009-40